

U.S.A. vs GERARDO DIAZ-RIOS

No. 08CR1393-DMS

The Court finds excludable delay, under the section indicated by check ( ☒ ),  
commenced on 5-16-08 and ended on \_\_\_\_\_; ( )  
and ended on 8-15-08. ( )

- 3161(h)  
\_\_\_ (1) (A) **Exam or hrg for mental or physical incapacity**  
\_\_\_ (1) (B) **NARA examination** (28:2902)  
\_\_\_ (1) (D) **State or Federal trials or other charges pending**  
\_\_\_ (1) (E) **Interlocutory appeals**  
\_\_\_ (1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo)  
\_\_\_ (1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40)  
\_\_\_ (1) (J) **Proceedings under advisement** not to exceed thirty days  
\_\_\_ **Misc proc: Parole or prob rev, deportation, extradition**  
\_\_\_ (1) (H) **Transportation** from another district or to/from examination  
or hospitalization in ten days or less  
\_\_\_ (1) (I) **Consideration by Court of proposed plea agreement**  
\_\_\_ (2) **Prosecution deferred** by mutual agreement  
\_\_\_ (3) (A) (B) **Unavailability of defendant or essential witness**  
\_\_\_ (4) **Period of mental or physical incompetence** of defendant to  
stand trial  
\_\_\_ (5) **Period of NARA commitment or treatment**  
\_\_\_ (6) **Superseding indictment and/or new charges**  
\_\_\_ (7) **Defendant awaiting trial of co-defendant** when no severance  
has been granted  
\_\_\_ (8) (A) (B) **Continuances** granted per (h) (8)-use "T" alone if more than  
one of the reasons below are given in support of continuance  
\_\_\_ (8) (B) (I) 1) **Failure to grant a continuance** in the proceeding  
would result in a **miscarriage of justice** and  
the ends of justice outweigh the best interest  
of the public and the defendant in a speedy trial.  
**(Continuance - miscarriage of justice)**  
\_\_\_ 2) **Failure to grant a continuance** of the trial would result in  
a miscarriage of justice as the defendant has tendered a  
guilty plea to a magistrate judge and is awaiting a  
determination as to whether the plea will be accepted.  
**(Continuance - tendered a guilty plea)**  
\_\_\_ (8) (B) (ii) 2) **Case unusual or complex**  
\_\_\_ (8) (B) (iii) 3) **Indictment** following arrest **cannot be filed** in thirty (30) days  
\_\_\_ (8) (B) (iv) 4) **Continuance** granted in order to obtain or substitute counsel,  
or give reasonable time to prepare  
**(Continuance re counsel)**  
\_\_\_ 3161(I) **Time up to withdrawal of guilty plea**  
\_\_\_ 3161(b) **Grand jury indictment time extended** thirty (30) more days

Date 5/16/08

  
Judge's Initials

A  
B  
C  
D  
E  
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G  
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M  
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T1  
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W